

## NATIONAL SHOOTING SPORTS FOUNDATION, INC.

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**JAKE MCGUIGAN**  
DIRECTOR, GOVERNMENT  
RELATIONS/STATE AFFAIRS

February 13, 2014

Representative Margaret MacDonald  
Chair  
Law and Justice Interim Committee  
Capitol, Room 102  
Helena, MT 59620

### **Re: FixNICS® and Montana's Compliance with NICS**

Dear Chair MacDonald and Members of the Law and Justice Interim Committee:

The National Shooting Sports Foundation ("NSSF") is the trade association for America's firearms, ammunition, hunting and recreational shooting sports industry. Its mission is to promote, protect and preserve hunting and the shooting sports. NSSF has a membership of more than 10,000 manufacturers, distributors, firearms retailers, shooting ranges, and sportsmen's organizations. Our manufacturer members make the firearms used by law-abiding Montana sportsmen, the U.S. military and law enforcement agencies throughout the state.

On behalf of our membership, we would like to introduce the committee to our Fix NICS initiative while at the same time expressing our strong support in making Montana compliant by submitting records to the National Instant Criminal Background Check System (NICS) of those individuals prohibited from owning a firearm under federal law.

The goal of the firearms industry's FixNICS campaign is to encourage states to report to NICS all records that establish someone is prohibited from owning a firearm under current law. Through a multi-state effort focused on forming coalitions in the states with the fewest submitted records, the industry is dedicating significant resources to helping states overcome the legal, technological, and intrastate coordination challenges preventing effective record sharing. In Montana we hope that the work of this Committee addresses this problem and makes the citizens of the state safer.

FixNICS is about keeping firearms out of the hands of prohibited persons, like the shooter in the Virginia Tech tragedy who was able to purchase a firearm from a federally licensed firearms retailer because his prohibiting mental health records were not in the NICS system.

Montana's federally licensed retailers are required to run a background check through the FBI's NICS when transferring a firearm to an individual. Firearms retailers rely on NICS to ensure the lawful transfer of firearms to law-abiding citizens. Since 1998 until October 2013 NICS has conducted 1,302,624 background checks for Montana retailers. By analyzing the federal denial rate there could be over a 6,000 firearms in the hands of federally prohibited individuals in Montana.

Law and Justice Meeting  
February 13 , 2014

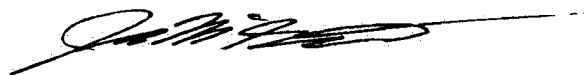
Exhibit 7

However, a background check is only as good as the records in the database. That is why the firearms industry supports improving the current NICS system by increasing the number of prohibiting records states submit to the FBI databases, helping to prevent illegal transfers of firearms to those who are prohibited from owning firearms under current law. Including these missing records will help ensure more accurate and complete background checks.

States must improve the NICS database by submitting any and all records establishing an individual is a prohibited person, such as mental health records showing someone is an "adjudicated mental defective" or involuntarily committed to a mental institute, as well as records showing someone is the subject of a domestic violence protective order, or subject to another prohibited category.

Once again, we sincerely appreciate you taking the time to review our concerns. We would like to continue to discuss some of the mental health records problems and possibly direct some substantive changes. Finally, we welcome the opportunity to participate in this important, public policy discussion and to make known our views. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jake McGuigan", with a long horizontal flourish extending to the right.

Jake McGuigan